



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,091	04/03/2000	Jose De La Torre-Bueno PH.D.	10225-023001	4964
20985	7590	09/01/2006	EXAMINER	
FISH & RICHARDSON, PC			BALI, VIKKRAM	
P.O. BOX 1022			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022			2624	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,091	TORRE-BUENO PH.D., JOSE DE LA	
	Examiner	Art Unit	
	Vikkram Bali	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

In response to the amendment filed on 06/20/2006, all the amendments to the claims have been entered and the action follows:

Response to Arguments

1. Applicant's arguments filed 06/20/2006 have been fully considered but they are not persuasive. Applicant argues that the references fail to teach the limitations of the claims as claimed, and based his [applicant] arguments on the statement "Compressed and uncompressed images often look the same to a human observer." (page 8 lines 3-4 of remarks) and also "once again this takes advantage of both uncompressed images looking the same to a human and therefore the human can identify regions of interest in the compressed image." (see page 10 lines 9-12 of remarks). Both statements fail to have any factual evidence, also the claims limitations reads "compressing the original medical image to form a compressed medical image", thereby making the compressed image different from the original image.

Applicant argues that the reference Novik sends all the image data to a second location (page 8 last paragraph of remarks), examiner disagrees the compressed data is send to the second location, and not the original data as claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novik (US 5432871).

With respect to claim 31, Novik discloses a method for obtaining the image at the first location the image representing the medical image, (see figure 1, 110, and col. 8, II 53-58); compressing the image to form a compressed image data at the first location, (see figure 1, 116 compression processor); sending the compressed image from the first to the second location (see figure 1, 114 transmitter sending the image data via 106 from location 102 to 104) the evaluating person is located (see col. 3, lines 60-61 transmitted to a distant user); allowing selection of a region at the second location, (col. 4, lines 2-4, viewer selects a view of interest “region”) sending the indication of that region to the first location, (see col. 4, lines 2-5, transmit the coordinates of the desired field of view back to the source) as claimed. However, he fails to disclose explicitly carrying out a medical analysis on the region at the first location with in the region selected by the evaluating person. But, Novik teaches adjusting the equipment at the first location as necessary to capture the image of the field area selected “region” by the user at the second location. Therefor, it would have been obvious to one ordinary skilled in the art at the time of invention to use the teachings of the Novik of adjusting

the equipment “at the first location” to attain the medical images “medical analysis” of the selected field of view “the region” as necessary, thereby making the Novik’s system more medically user friendly.

With respect to claim 33, Novik further discloses region information defines the selected region of the displayed medical image, (see col. 8, lines 44-48, 57-60) as claimed.

With respect to claim 34, Novik further discloses a series of pixel coordinates, (see col. 10, lines 18-19) as claimed.

With respect to claim 35, Novik further discloses allowing selection selecting the region ... includes receiving input from a pointing device ... image, (see col. 7, lines 1-8 and col. 10, lines 12-15) as claimed.

Claims 36 and 37 are rejected for the same reasons as set forth in the rejection of claims 31 and 34, as the subject matter of both the sets are similar.

Claim 40 is rejected for the same reasons as set forth in the rejection of claim 35, as the subject matter of both claims are similar.

3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novik in view of Wood et al (US 5851186).

Novik fails to specifically disclose sending the compressed medical image over a global packet switched network, as claimed. Novik teaches transmitting the compressed medical image (figure 2, 203). But, Wood teaches a global packet switch network (see col. 4, lines 10-10) as claimed. It would have been obvious tone ordinary

Art Unit: 2624

skilled in the art the time of invention to use the teaching to Wood of global packet switched network to transit the medical images of the Novik as the global packet switched transmission "became the choice of internet worked computer s due to the advantages of cost and performance" (see Wood col. 4, lines 11-13).

4. Claims 38 –39 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novik in view of Echerer et al (US 5740267).

With respect to claims 38 and 39 Novik discloses the invention substantially as claimed and as described above in claim 36. However, Novik fails to disclose image analysis to generated a score and communicate the score to the remote view station for display and image server includes a data base associating a diagnosis received from the remote view station, as claimed in claims 38 and 39. Echerer teaches generated a score and communicate the score to the remote view station for display and image server includes a data base associating a diagnosis received from the remote view station, (see col. 5, lines 25-37, figure 7 for display, col. 7, lines 10-30, col. 10, lines 30-36) as claimed in claims 38 and 39. It would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references as they are analogous because they are solving the similar problem of analyzing the medical images. The teachings of Echerer of having the diagnosis codes communicated and displayed can be incorporated in to the Novik system in order to attain a computer analytical and diagnostic system (see Echerer col. 3, lines 65-67) for motivation.

Art Unit: 2624

Regarding claim 41, Echerer further teaches medical analysis part is a computer which automatically process the original image to calculate said score, (see col. 6, lines 42-48, the computer system is disclose) as claimed.

Claims 42 and 43 are rejected for the same reasons as set forth for the rejection of claim s38 and 41, because claims 42 and 43 are claiming similar subject matter as claims 38 and 41.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 571.272.7415. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571.272.7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vikkram Bali
Primary Examiner
Art Unit 2624

vb
August 30, 2006